

REMARKS

Claims 1-67 have been canceled and claims 68-84 have been added in the present amendment. Support for the newly added claims appears throughout the specification including, for example, on page 4 lines 1-22. No new matter has been added. In summary of the outstanding Office Action claims 1, 5-9, 16, 29-35, and 48-51 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,619,247 (Russo) in view of one or more of the following: U.S. Patent No. 5,440,334 (Walters), U.S. Patent No. 6,141,530 (Rabowsky), and U.S. Patent No. 6,005,938 (Banker).

Please acknowledge receipt of the drawings filed on October 15, 1999 as formal as well as acknowledging the Information Disclosure Statement also filed on October 15, 2005 as submitted with the U.S. Patent and Trademark Office.

Reconsideration of the outstanding rejections to the claims is respectfully requested in view of the present amendments and following remarks.

Rejections under 35 USC § 103(a)

Claims 1, 5-9, 16, 29-35, and 48-51 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,619,247 (Russo) in view of one or more of the following: U.S. Patent No. 5,440,334 (Walters), U.S. Patent No. 6,141,530 (Rabowsky), and U.S. Patent No. 6,005,938 (Banker).

Claims 1-67 have been canceled without prejudice and applicants do not concede the propriety of the rejections to any of the canceled claims.

However, with respect to the patentability of newly added base claim 68 vis-à-vis the references cited by the office action, among other undisclosed elements, none of the references in particular disclose “transmitting a plurality of video programs together to a plurality of consumer locations in response to video program pre-selections made by said consumer locations” In particular, Russo describes a system whereby the video programs are transmitted via a pre-determined schedule (Col. 4, lines 38-44 and lines 55-63) from which the consumers may select which programs to record either for storage at a subscriber site or larger remote storage facility (Col. 4, lines 59-63). This is opposed to transmitting the video programs “in response to video program selections made by consumer locations.”

Thus, for the reasons above and others, Applicants submit that all the limitations of newly added claims 68-84 are not taught or suggested by U.S. Patent No. 5,619,247 (Russo) U.S. Patent No. 5,440,334 (Walters), U.S. Patent No. 6,141,530 (Rabowsky), U.S. Patent No. 6,005,938 (Banker), or any combination thereof.

Also, Applicants would like to note that this application is related to U.S. Patent Application No. 09/737,826 "Video and Music Distribution system," filed December 15, 2000 in which the examiner cited U.S. Patent No. 5,619,247 (Russo), U.S. Patent No. 6,148,428 (Welch), U.S. Patent No. 6,069,868 (Kashiwagi), U.S. Patent No. 5,862,260 (Rhoads), and U.S. Patent No. 4,794,465, (Luyt) in the most recent Office Action.

Applicants would also like to note that the present application is related to U.S. Patent Application Serial No. 09/781,680 and Application Serial No. 09/781,679 both filed on February 12, 2001, and Application Serial No. 09/553,524, filed October 20, 2004. The examiners in those cases have collectively cited U.S. Patent No. 5,619,247 (Russo), International Publication No. WO 01/54410 A2 (Braitberg), U.S. Patent Application Publication No. 2004/0083492 (Goode et al.), and U.S. Patent No. 6,438,751 (Voyticky), Patent Application Publication No. 2004/0054630 A1 (Gitner et al.), U.S. Patent Application Publication No. 2004/0054630 (Yuen et al.) and U.S. Patent Application Publication No. 2002/0100043 (Lowthert), U.S. Patent No. 6,177,931 (Alexander), U.S. Patent No. 6,522,769 (Rhoads), U.S. Patent No. 5,963,217 (Grayson), U.S. Patent No. 5,734,720 (Salganicoff), U.S. Patent No. 6,804,825 (White), and U.S. Patent Application Publication No. 2002/0056112 (Dureau).

CONCLUSION

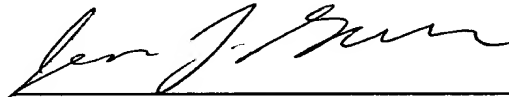
Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that claims 68-84 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner's Supervisor to discuss the basis for the Examiner's continued rejection in light of the Applicant's arguments presented herein.

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PATENT

Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative would very much appreciate a telephone conference to discuss these issues.

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